UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

ELAINE L. CHAO, Secretary of Labor, United States Department of Labor,

Petitioner,

CIVIL ACTION

v. :

JAMES LOUGHREY, CUSTODIAN OF : File No. 1:08-CV-00193

RECORDS AND TRUSTEE OF LOMA

SERVICES, INC. SIMPLE IRA PLAN, : JUDGE GUZMAN

Respondent.

ORDER OF CONTEMPT

Petitioner, ELAINE L. CHAO, Secretary of Labor, United States Department of Labor ("Petitioner"), by her attorneys, filed a Petition to Compel Respondent, James Loughrey, Custodian of Records and Trustee of Loma Services, Inc. Simple IRA Plan, to comply with the subpoena duces tecum issued and directed by the Regional Director, Chicago Regional Office, Employee Benefits Security Administration, United States Department of Labor, in aid of an investigation pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §1001 *et seq.* (hereinafter "ERISA").

The court heard the matter on April 30, 2008 and issued an Order to Show Cause to Respondent, James Loughrey, to appear on June 30, 2008 and show cause, if any, why the Petition to Compel Respondent to Comply with the Subpoena Duces Tecum should not be granted. Based upon the hearing held in this matter on June 30, 2008,

IT IS HEREBY ORDERED that

- 1. Respondent James Loughrey, Custodian of Records and Trustee of Loma

 Services, Inc. Simple IRA Plan is in civil contempt of this Court's January 24, 2008 and April
 30, 2008 orders, having failed to provide Petitioner with the documents listed in Petitioner's

 Declaration of Employee Benefits Security Administration Investigator Aniela Janachowski. A

 true and correct copy of the Declaration is attached to Petitioner's Request for Order to Show

 Cause.
- 2. A fine of \$___ per day shall be assessed by the Court against Respondent James Loughrey until such time as he has complied with this Court's previous orders and purged himself of contempt by providing the documents requested in Petitioner's exhibit (Subpoena Duces Tecum). The responsive documents shall be provided to the Employee Benefits Security Administration, 200 W. Adams, Suite 1600, Chicago, Illinois 60606, Attn: Aniela Janachowski.
- 3. Petitioner is awarded fees and costs related to the filing of this petition. The Petitioner shall provide the court with a fee petition and recitation of costs within 15 days of the entry of this order.
- 4. The United States Marshall shall serve a copy of this order within ten (10) days on Respondent, James Loughrey, Custodian of Records and Trustee of Loma Services, Inc. Simple IRA Plan at 8402 S. Hillside Drive, Palos Park, Illinois 60464.

Dated this	day	v	of	July	v.	2008.
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HONORABLE RONALD A. GUZMAN UNITED STATES DISTRICT JUDGE